

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

REA & ASSOCIATES, LLC
Jeffrey J. Rea, Esq.
11 Broadway, 2nd Floor
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(732) 943-2570

Attorneys for Creditor/Lienor
City Contracting, Inc.

In re:

HOLLISTER CONSTRUCTION SERVICES,
LLC,

Debtor.

Case No. 19-27439 (MBK)

Chapter: 11

Hearing Date: 11/7/2019

Judge: Hon. Michael B. Kaplan, U.S.B.J.

CERTIFICATE OF SERVICE

I, BARBARA J. GIORDANO, being duly sworn, deposes and says:

1. I am over 18 years of age, not a party to the above-captioned action and am the secretary/paralegal for Rea & Associates, LLC.

2. On November 25, 2019 I served a true copy of an **Order Vacating or Modifying Stay**, which was entered by the Honorable Michael B. Kaplan, United States Bankruptcy Judge, on November 22, 2019, upon the following parties *via U.S.B.C. electronic filing system and First Class Mail* :

1. Mary E. Seymour, Esq.
Lowenstien, Sandler, LLP
One Lowenstein Drive
Roseland, New Jersey 07068
Attorneys for the Debtor Hollister Construction Services, LLC

2. Armen Shahinian, Esq.
Robert E. Nies, Esq.
Chiesa Shahinian & Giantomasi, PC
One Boland Drive
West Orange, New Jersey 07052
*Attorneys for Arch Insurance Surety Bond Company,
Arch Insurance Company and Arch Reinsurance Company*
3. Joseph J. Schwartz, Esq.
Tara J. Scheilhorn, Esq.
Riker, Danzig, Scherer, Hyland & Perretti LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, New Jersey 07962
Attorneys for Newark Warehouse Urban Renewal, LLC;
Newark Warehouse Redevelopment Company, LLC and
Edison Construction Management, LLC

I certify under penalty of perjury that the above documents were sent using the mode of service indicated.



Barbara J. Giordano

Dated: November 25, 2019



Order Filed on November 22, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
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Caption in Compliance with D.N.J. LBR 9004-1(b)

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Case No. 19-27439 (MBK)

(Joint Administration Requested)

Hearing Date: 11/7/2019

Judge: Hon. Michael B. Kaplan,

Chapter 11

Recommended Local Form: ☒ Followed ☐ Modified

ORDER VACATING OR MODIFYING STAY

The relief set forth on the following page is hereby **ORDERED**

DATED: November 22, 2019

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".
Honorable Michael B. Kaplan
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
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Upon the motion of Creditor City Contracting, Inc. (by Jeffrey J. Rea, Esq. of the firm of Rea & Associates, LLC, attorneys for City Contracting, Inc.) under Bankruptcy Code section 362(d) for relief from the automatic stay in order to commence construction lien foreclosure proceedings in state court, and the Court having reviewed the papers submitted and good cause having been made; it is therefore

ORDERED on this date 11/22/2019, that the automatic stay be and is hereby modified to allow City Contracting, Inc. to commence one or more actions and to join Hollister Construction Services, LLC (“Debtor”), as a necessary and nominal party only in legal proceedings before the New Jersey Superior Court, Essex County, in order to prosecute claims against parties other than the Debtor to fully ascertain and thereafter enforce Construction Lien

Claims filed and served by City Contracting, Inc. in connection with certain construction projects commonly known as the Ironside project and the Columbia Street project and more fully described in the Notice of Motion and accompanying Certification of Peter J. Caruso, Jr., President and CEO of City Contracting, Inc., both dated October 1, 2019; and it is

FURTHER ORDERED, that during the pendency of the bankruptcy proceedings or until further order of the bankruptcy court, City Contracting, Inc. shall not seek to obtain a final judgment against the Debtor in any state court proceeding, nor shall City Contracting, Inc. take any further action against the Debtor or property of Debtor's estate, other than by way of an application or adversary proceeding adverse to Debtor before the bankruptcy court which seeks to obtain any relief available to City Contracting, Inc. in accordance with the rules governing these bankruptcy proceedings; and it is

FURTHER ORDERED, that the automatic stay remains in effect in all other respects, but without prejudice to the rights of City Contracting, Inc. to file one or more unsecured proof of claims in this bankruptcy proceeding; and it is

FURTHER ORDERED, that notwithstanding anything to the contrary in this Order, Arch Insurance Company and Arch Reinsurance Company (together, "Arch") shall not be prejudiced or be deemed to have waived any and all rights, claims and defenses of Arch, all rights, claims and defenses being expressly reserved, to the extent City Contracting, Inc. asserts any claims against Bonds issued by Arch; and it is

FURTHER ORDERED, that nothing contained within this Order constitutes a waiver of any party's rights (including the Debtor) to defend against or challenge standing, forum or venue in any subsequent dispute (including lien issues), and all parties' rights are hereby reserved; and it is

FURTHER ORDERED, that a copy of this Order be served upon all parties in this matter within 7 days of this Order.